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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,848	06/24/2003	Chang-Il Gu	1568.1063	8089
49455	7590	11/16/2005	EXAMINER	
STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			MARTIN, ANGELA J	
			ART UNIT	PAPER NUMBER
			1745	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,848

Applicant(s)

GU, CHANG-IL

Examiner

Angela J. Martin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is responsive to the Amendment filed on October 14, 2005. The Applicant has amended claims 1, 12, 14, and 15; and has canceled claims 7 and 8. The pending claims are 1-6 and 9-15.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 14, 2005 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 and 9-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claims 11, 12, 14, and 15, the phrase "the opening member is arranged under a half of the width of the seal portion" renders the claim indefinite because "arranging **under a half** of the width" is ambiguous.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al., U.S. Pat. No. 6,653,018 B2.

Rejection of claims 1-6, 9-15 drawn to a pouch type secondary battery.

Takahashi et al., teach a pouch type (envelope) secondary battery (col. 1, lines 5-10) comprising an electrode assembly having positive and negative electrode plates with a separator inbetween (Fig. 8), and terminals extending from the plates (Fig. 1B); a pouch casing having a space in which the electrode assembly is housed, wherein the space has a seal portion at the periphery and at least one of the terminals is exposed to the seal portion; and at least one opening member disposed at the seal portion and made of a resin material having a lower melting point than the seal portion of the pouch casing (col. 19, lines 58-67 and col. 20, lines 1-2). It also teaches the opening member has a flattened first end, the flattened first end facing the space of the pouch casing (Fig. 8). It teaches the first end is connected to an internal end of the seal portion facing the space of the seal portion at which the opening member is disposed (Fig. 1B; Fig. 8). It also teaches the opening member is polygon shaped (Fig. 1B). Additionally, it teaches the opening is circular or elliptical (col. 6, lines 28-37). It teaches the electrodes are spaced a predetermined distance apart from each other to be exposed outside the

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pouch casing via the seal portion, and the opening member is interposed between the electrode terminals of the seal portion (Fig. 1B). It teaches the pouch casing has an adhesion layer made of resin on an internal face of the seal portion (col. 6, lines 16-27) and the opening member is made of resin having a lower melting point than a melting point of the adhesion layer (col. 8, lines 41-67). In addition, it teaches the opening member is made of a polyethylene resin material (col. 3, lines 40-54). It teaches at least one opening member of the pouch seal having a triangle shape (col. 6, lines 28-37) and comprising a resin having a lower melting point than a melting point of the pouch seal portion (col. 10, lines 22-26; col. 15, lines 54-64). It teaches a pouch type secondary battery as described above. It also teaches the opening member is triangular (col. 6, lines 16-27).

Takahashi et al., do not teach, "one side of a triangle faces an interior side of the seal portion at which the opening member is disposed, and an angle opposite the side is in a range of 30 to 80 degrees." It does not teach a member made of a material having a lower melting point than that of the seal portion.

Thus, the invention as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made because although the prior art of record does not specifically state that the thickness of the opening member in a direction perpendicular to the seal portion is less than half of the width of the seal portion at which the opening member is disposed, it does teach a seal width at the opening member which appears to be less than the width of the seal portion (col. 16, lines 21-32) and that the opening is arranged under the seal portion at which the opening is

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disposed (Fig. 1B; col. 6, lines 38-49). In addition, the reference teaches that the "shape of the strip is not critical." Therefore, depending on the shape of the pouch (envelope) and the choice of the artisan, the opening member can be triangular with the above-described angles. In addition, Takahashi et al., teach seal portion is made of PP (polypropylene) (col. 17, lines 8-12) while the member disposed at the seal portion is made of PP and PE (polyethylene) (col. 17, lines 20-21). Since PP has a melting point of about 160-170 degrees C and PE has a melting point of about 130 degrees C, then the member would melt before the seal portion since the member has a lower melting point than that of the seal portion.


Response to Arguments

7. Applicant's arguments filed October 14, 2005 have been fully considered but they are not persuasive. Applicant argues that "Takahashi does not include a similar disclosure about the strip..." However, Takahashi shows in Example A-1, that the strip has a different thickness than the seal portions. Applicant's arguments with respect to the currently amended claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela J. Martin whose telephone number is 571-272-1288. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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